



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF FIRE SERVICES  
RICHARD W. MILLER  
STATE FIRE MARSHAL

MIKE ZIMMER  
DIRECTOR

**STATE FIRE SAFETY BOARD MEETING MINUTES – AMENDED (6/18/15)  
THURSDAY, MARCH 26, 2015**

**Members Present**

Donald Hicks  
Dr. Ralph Hodek (Via Phone)  
Mark Jensen  
Andrew Lenaghan  
Thomas Lippens  
Dean Mallos  
Kassandra Renneberg  
Les Rodwell (Chair)  
Ron Sabin

**Members Absent**

John Enkemann  
David Henry  
David Herbal  
Greg Herman  
Richard Miller, State Fire Marshal (Ex-Officio)  
Dr. Usamah Mossallam  
John Wozniak

**Department of Licensing and Regulatory Affairs (LARA), Bureau of Fire Services  
(BFS) Personnel**

Brian Williams, Plan Review Division  
Cathy Carson, Executive Secretary to the Board

**Call To Order and Determination of Quorum**

Meeting was called to order at 1:11 p.m. Chair Rodwell asked all to stand for the Pledge of Allegiance. Chair Rodwell requested a moment of silence for public safety officers and the military. Roll Call by Board Secretary, Cathy Carson, determined that a quorum was present. Chair Rodwell gave emergency exiting procedures. Chair Rodwell welcomed everyone. Introductions were made by board members and guests.

**Agenda**

Chair Rodwell requested any additions, deletions or changes to the agenda.

A **MOTION** was made by Board Member Mallos to approve the agenda for Thursday, March 26, 2015. **MOTION SUPPORTED** by Board Member Sabin. **MOTION CARRIED.**

## **Disposition of Minutes**

A **MOTION** was made by Board Member Renneberg to approve the minutes for Thursday, January 22, 2015. **MOTION SUPPORTED** by Board Member Lenaghan. **MOTION CARRIED.**

## **Bureau of Fire Service - Updates**

Brian Williams provided an update on the BFS rules.

### **Rules**

- Healthcare Fire Safety Rules - Have been approved and are effective December 2014. These rules will apply to healthcare facilities which include hospitals, nursing homes, home for the aged and free standing surgical outpatient facilities.
- Penal Institutions Rules - the final draft has been sent to the committee members. This rule is specifically for Michigan Department of Correction prisons, and 81 county jails located in the state of Michigan. They specifically deal with lockup facilities where the inmates are kept overnight and buildings that have housing. Once the rules have been finalized by the committee it will be edited and moved on to the next step.
- K -12 Schools, Colleges, Universities and Instructional Buildings - Rules has been received by Office of Regulatory Reinvention (ORR) with edits, which currently are at the regulatory impact statement, which is a questionnaire that needs to be answered on how these rules will impact small businesses, the environment and citizens of the State of Michigan. This questionnaire is 75% completed and once completed will be submitted.
- Dormitory Rules - the regulatory impact statement has not been completed. All four rules will be adopting the 2012 Life Safety Code.

There has been discussion on how often the BFS would address updating the rules.

## **Fireworks Program**

Fireworks applications are due by April 1, 2015. The BFS staff is working on receiving and going through the process of validating to ensure they meet all the steps and safety requirements in order to sell consumer grade fireworks. Last year approximately 800 certificates were issued. Over 70 delegates have been trained for the upcoming fireworks season. Mike Deprez is currently training with the state inspectors on fireworks violations.

## **Legislative Update**

HB - 4367 - Was introduced March 24, 2015, by Representative Howrylak. This bill will amend the Michigan Fireworks Safety Act, PA 256 of 2011 Sections 7 and 12 of MCL 28.457 and 28.462, as amended by PA 65 of 2013. (a) A local unit of government with a population of 50,000 or more or a local unit of government located in a county with a population of 750,000 or more may regulate the ignition, discharge, or use of consumer fireworks between the hours of 12 midnight and 8 a.m. He wants to delete the part that says: or between the hours of 1 a.m. and 8 a.m. on New Year's Day; only during the 4<sup>th</sup> of July weekend; no sale or provide to a minor. This bill has been sent to the committee on regulatory reform.

## **Unfinished Business**

Reminder to SFSB members whose terms are expiring July 2015, and would like to commit to another term, must contact their organization that they represent and resubmit your name. The organization must submit your name along with two other names to the Governor's office. If your term is ending in July 2015, you will still be allowed to attend the meeting in September 2015.

## **New Business**

1. SFSB Appeal #131691 of Denied Modification Request – Lawrence Technological University (LTU).

An appeal hearing was held before a three-member panel of State Fire Safety Board (SFSB) on Thursday, March 26, 2015, at 11:00 a.m. Procedures governing the SFSB and all interested parties were given fair opportunity to present evidence and make arguments to the board.

The issues cited by BFS are as follows:

1. Stair A
2. Two-story space
3. Laboratory unit separation

An explanation for each issue will be given. The (BFS) denial will be explained, as well as the decision of three-member panel of SFSB members in attendance at the hearing. The SFSB members will be asked to uphold or deny the three-member panel SFSB's decision.

**NOTE:** Chair Les Rodwell, made a decision move forward with the vote from the SFSB members as it stands. There are SFSB members that are absent due to illness and other commitments. Currently there is a quorum of nine SFSB members present including one SFSB member voting via-telephone conference. If there are any challenges of validity regarding the quorum of the SFSB members present, and one member via-telephone for the purpose of voting to uphold or deny any of the issues presented, this information may need to be brought back to the SFSB members at the next meeting for a revote.

### **Item 1: - Stair A**

A feature of the design is for a three story open stair; you request that the open stair be permitted under the provision of the Section 6-2.4.5 NFPA 101, 1997 with the equivalency of providing smoke detection throughout the communicating space, to show compliance with subparagraph (c) of the reference section.

Section 6-2.4.5 (c) states that the entire floor area of the communicating space is open and unobstructed such that fire in any part of the space will be readily obvious to the occupants of the space prior to the time it becomes a hazard to them.

It is the decision of BFS to deny LTU request to modify Section 6-2.4.5 (c) for the following reasons:

1. This is new construction; compliance can be met through the use of other code provision, such as Section 6-2.5.6 NFPA 101, 1997.
2. Even with the offered equivalency, Section 6-2.4.5(g) is still not met depending on your interpretation of the "communicating space."
3. An equivalent level of life safety has not been provided.

The appeal panel recommends the SFSB should not overrule the BFS decision. By a majority vote, the members appointed and serving supported the recommendation of the appeal panel to uphold the BFS decision to deny **Item 1, Stair A**.

#### **Item 2: Two Story Space**

A feature of the design is for a two story vertical space which is open to the 2<sup>nd</sup> floor circulation space; LTU request the vertical opening be permitted to be separated from the third floor with sealed glass partitions and solid rolling grilles. LTU believes this meets the intent of Section 6-2.4.7 NFPA 101, 1997 and also reference Section 6-2.4.5 (d) exception no. 1 NFPA 101, 1997.

Section 6-2.4.7 states a vertical opening, not serving as an exit enclosure, connecting only two adjacent stories, piercing only one floor, shall be permitted to be open to one of the two stories. Please note that this is an exception to Section 6-2.4.2, and as such the separating barrier on one of the two stories is required to meet a 1-hr fire resistance rating.

It is the decision of BFS to deny LTU request to modify Section 6-2.4.7 for the following reasons:

1. Section 6-2.4.7 and Section 6-2.4.5 (d) are separate sections with separate requirements. The two sections cannot be combined.
2. This is new construction; a 1-hr separation could be provided at one level or the other during this state of construction; or other means of compliance such as compliance with Section 6-2.4.6 could be utilized.
3. An equivalent level of life safety has not been provided.

The appeal panel recommends the SFSB should not overrule the BFS decision. By a majority vote, the members appointed and serving supported the recommendation of the appeal panel to uphold the BFS decision to deny **Item 2, Two Story Space**.

#### **Item 3: Laboratory Unit Separation**

LTU request notes that based on the design for laboratory, the laboratory unit hazard classification are class D. LTU request the design criteria allowed per NFPA 45, Table 3-1(a) be honored.

Section 3-1.6 NFPA 45, 1996 states, in part, that regardless of the construction and fire protection requirements for laboratory units specified in Table-3-1(a) or Table 3-1(b) laboratory units used for instructional purposes shall be separated from non-laboratory units by 1-hour construction.

It is the decision of this office to deny LTU request to modify Section 6-2.4.5(c) for the following reasons:

1. This is a long standing BFS interpretation; this is new construction and a 1-hr separation can be provided during this phase of construction; a reason to the contrary is not provided.
2. The BFS cannot "police" the quantities of chemicals within these laboratory units throughout the years as the curriculums and use of the laboratory unit may change.
3. An equivalent level of live safety has not been provided.

After a lengthy discussion the appeal panel recommends the SFSB should overrule the BFS decision. The reason for this is as follows: 1: BFS interpretation of Section 3-1.6 of NFPA 45, 1996 edition, is based in the fact that BFS cannot police the quantities of chemicals in the laboratory suite as the quantities may change over the course of time. This is only a past practice of BFS and it is not in the fire safety rules, even though BFS is working currently on updating these rules that would require 1-hour separation for labs regardless of what class of lab it would be. 2: The lab is a "robotics lab" and it would only have a total of 4 liters of chemicals (isopropanol and alcohol) at one time for cleaning the equipment. This amount of chemical is allowed in NFPA 45 without the 1-hour separation. 3: LTI has since 1998 police themselves and have signed an audit policy agreement with EPA Region 5 and MDNR-E in 2011 which would require them to get approval of any changes of quantities of chemicals, and understands that any changes to this would also require approval from BFS. 4: This is a fully suppressed building.

The above listed reasons were given to the SFSB members that were presented and by a majority vote; the members appointed and serving supported the recommendation of the appeal panel to deny the BFS decision and uphold the appellant to allow Item 3, Laboratory Unit Separation.

A letter by certified mail will be sent to the appellant, Albert Kahn and Associates regarding the decisions of the SFSB.

## 2. Retirement of SFSB Vice Chair, William Mays

A letter was received on February 17, 2015, from William Mays, Vice Chair, announcing his retirement from the SFSB.

The SFSB members present, have agreed to table the decision to select a new vice chairperson

## Public Comments

Board member Hicks questioned the efforts on adopting a state wide single fire safety code. This information was given to SFM Miller, and Chair Rodwell, this information has been passed on to the governor's office.

Board Member Jensen asked if any nursing homes that were due to have their sprinkler system inspected by a certain time, but where not in compliance had they been forced to close? Brian Williams, LARA, Plan Review Division, stated this has not occurred. Four BFS fire inspectors were transferred to the LARA, BHCS, Long Term Care Division. This division has taken over the inspection process for nursing homes and CMS program. The BFS continues to process plan reviews for nursing home projects, shop drawing reviews (i.e. sprinkler and fire alarms). When it comes to the inspection, a copy of the plan review drawings, reports and data are sent to the Long Term Care Division.

This division should be aware of the nursing homes that have not met their sprinkler requirements and would report their findings back the BFS.

**Next Meeting Date**

The next meeting will be held Thursday, June 18, 2015, at 1:00 p.m., at 3101 Technology Blvd., Suite H, Lansing, MI.


**Adjourn**

A **MOTION** was made by Board Member Jensen and **MOTION SUPPORTED** by Board Member Renneberg to adjourn the meeting at 2:05 p.m. **MOTION CARRIED.**

Approved



Chair, State Fire Safety Board



Date

Les Rodwell,

Printed Name of State Fire Safety Board Chair